

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

30423

FILE: B-217503

DATE: February 5, 1985

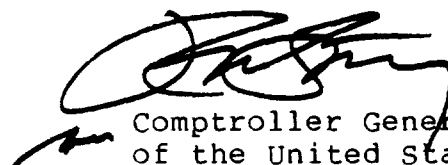
MATTER OF: Chambers Consultants and Planners

DIGEST:

1. Allegation that contract awardee is unable to perform because of a below-cost bid is a matter of responsibility, not responsiveness.
2. GAO does not review an agency's affirmative determination of responsibility in the absence of a showing of possible fraud or bad faith, or that the definitive responsibility criteria of the solicitation were not met.

Chambers Consultants and Planners (Chambers), a company of Chambers Group, Inc., protests the contract award to Complete Archaeological Service Associates (CASA) under solicitation No. 4-SP-40-01650, issued by the Bureau of Reclamation for inventory and excavation work. The protester contends that CASA, the apparent low bidder, cannot perform the contract work at its bid price, and that CASA's bid is "nonresponsive" due to the lack of financial resources to perform the contract at a loss.

Whether a low bidder can adequately perform a contract at the bid price is a matter of the bidder's responsibility (not bid responsiveness), concerning which the contracting agency must make an affirmative determination prior to award. Zimmerman Plumbing and Heating Co., B-211879, June 24, 1983, 83-2 C.P.D. ¶ 16. Thus, Chambers' protest constitutes a challenge to the contracting agency's affirmative determination of responsibility. Our Office will not review that determination absent a showing of possible fraud on the part of contracting officials or an allegation that definitive responsibility criteria in the solicitation have not been met. 4 C.F.R. § 21.3(g)(4) (1984). Chambers does not allege either of these exceptions; therefore, its protest is dismissed.


Comptroller General
of the United States

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